

AMENDED IN ASSEMBLY MAY 19, 2022

AMENDED IN ASSEMBLY APRIL 20, 2022

AMENDED IN ASSEMBLY MARCH 21, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2247

Introduced by Assembly Member Bloom
(Principal coauthor: Senator Allen)
(Coauthor: Assembly Member Ting)

February 16, 2022

An act to add Article 15 (commencing with Section 25258) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to environmental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2247, as amended, Bloom. Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product components: publicly accessible reporting platform.

Existing law provides that the Department of Toxic Substances Control regulates the handling and management of hazardous substances, materials, and waste. Existing law requires the department, among other things, to issue hazardous waste facilities permits to facilities handling hazardous waste and to enforce the requirements of the hazardous waste control laws. A violation of the hazardous waste control laws is a crime.

This bill would require, as part of the hazardous waste control laws, the department to work with the Interstate Chemicals Clearinghouse to establish, on or before January 1, ~~2024~~, 2025, a publicly accessible reporting platform to collect information about perfluoroalkyl and polyfluoroalkyl substances (PFAS) and products or product components

containing ~~regulated~~ *intentionally added* PFAS, as defined, being sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state. The bill would require, on or before July 1, 2024, 2025, and annually thereafter, a manufacturer, as defined, of PFAS or a product or a product component containing ~~regulated~~ *intentionally added* PFAS that is sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state to register the PFAS or the product or product component containing ~~regulated~~ *intentionally added* PFAS, and specified other information, on the publicly accessible reporting platform. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 15 (commencing with Section 25258) is
2 added to Chapter 6.5 of Division 20 of the Health and Safety Code,
3 to read:

4
5 Article 15. PFAS DISCLOSURE

6
7 25258. The Legislature finds and declares all of the following:

8 (a) Contamination of water, soil, and air in the state from
9 perfluoroalkyl and polyfluoroalkyl substances, or PFAS, poses a
10 significant threat to the environment of the state and to the health
11 of its citizens.

12 (b) PFAS continue to be used across numerous industries for a
13 variety of purposes and are ultimately contained in a number of
14 products sold in the state.

15 (c) Without accurate data on how and how much PFAS are
16 entering the state in any form, state regulators and local public
17 agencies, including wastewater facility operators, are unable to

1 develop and implement best practices or set discharge limits that
2 will protect human health and the environment.

3 (d) Without accurate data on how and how much PFAS are
4 entering the state in any form, the Legislature is hampered in
5 understanding the full scope of PFAS sources and the product
6 sectors on which to focus in order to restrict PFAS use or their
7 entry into the environment and California public.

8 (e) Without accurate data on how and how much PFAS are
9 entering the state for industrial or commercial uses, businesses
10 working to avoid PFAS exposure in their workers or in their
11 products in order to meet environmental and health standards
12 struggle to identify sources within their facilities.

13 (f) To characterize the real threats of further PFAS
14 environmental contamination and human exposure in the state,
15 and to develop the best practices for addressing them, it is
16 imperative to collect, and make available to the public, information
17 regarding how PFAS enter the state, whether as PFAS themselves
18 or in consumer and industrial products, as well as the amount of
19 PFAS coming into the state.

20 (g) Requiring the disclosure of the use of PFAS in products and
21 product components is in the best interests of the state.

22 25258.1. For purposes of this article, the following terms have
23 the following meanings:

24 (a) *“Intentionally added perfluoroalkyl and polyfluoroalkyl*
25 *substances” or “intentionally added PFAS” means PFAS that a*
26 *manufacturer has intentionally added to a product, a product’s*
27 *components, or a product’s ingredients and that have a functional*
28 *or technical effect in the product, the product’s components, or*
29 *the product’s ingredients. “Intentionally added perfluoroalkyl and*
30 *polyfluoroalkyl substances” or “intentionally added PFAS” also*
31 *includes the PFAS components of intentionally added chemicals*
32 *and PFAS that are intentional breakdown products of an added*
33 *chemical that also have a functional or technical effect in the*
34 *product, the product’s components, or the product’s ingredients.*

35 (a)

36 (b) (1) “Manufacturer” means any of the following:

37 (A) A person or entity who manufactures PFAS or imports
38 PFAS into the state.

39 (B) A person or entity who manufactures a product or product
40 component containing ~~regulated~~ *intentionally added* PFAS or

1 imports a product or product component containing ~~regulated~~
2 *intentionally added* PFAS into the state, or whose name appears
3 on the product label.

4 (C) A person or entity for whom the PFAS or product or product
5 component containing ~~regulated~~ *intentionally added* PFAS is
6 manufactured or distributed, as identified by the product label
7 pursuant to the federal Fair Packaging and Labeling Act (15 U.S.C.
8 Sec. 1451 et seq.).

9 (2) In the case of a product or product component containing
10 ~~regulated~~ *intentionally added* PFAS that is imported into the United
11 States, “manufacturer” includes the importer or first domestic
12 distributor of the product if the person or entity that manufactured
13 or assembled the product or product component or whose brand
14 name is affixed to the product or product component does not have
15 a presence in the United States.

16 (3) “Manufacturer” does not include a state agency, as defined
17 in Section 46025, or a local agency, as defined in subdivision (c)
18 of Section 66000 of the Government Code.

19 ~~(b)~~

20 (c) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS”
21 means a class of fluorinated organic chemicals containing at least
22 one fully fluorinated carbon atom.

23 ~~(e) “Regulated perfluoroalkyl and polyfluoroalkyl substances”~~
24 ~~or “regulated PFAS” means either of the following:~~

25 ~~(1) PFAS that a manufacturer has intentionally added to a~~
26 ~~product and that have a functional or technical effect in the product,~~
27 ~~including the PFAS components of intentionally added chemicals~~
28 ~~and PFAS that are intentional breakdown products of an added~~
29 ~~chemical that also have a functional or technical effect in the~~
30 ~~product.~~

31 ~~(2) The presence of PFAS, as measured in total organic fluorine,~~
32 ~~in a product or product component at or above the limit of~~
33 ~~quantification.~~

34 (d) “Product” means an item, including its product components,
35 that is manufactured, assembled, packaged, or otherwise prepared
36 for sale or distributed, including for personal, residential,
37 commercial, or industrial use, or for use in making other products.

38 (e) “Product component” means a component of a product,
39 including the product’s ingredients or a part of the product.

1 25258.2. (a) The department shall work with the Interstate
2 Chemicals Clearinghouse to establish, on or before January 1,
3 ~~2024~~, 2025, a publicly accessible reporting platform to collect
4 information about PFAS and products or product components
5 containing ~~regulated~~ *intentionally added* PFAS being sold, offered
6 for sale, distributed, or offered for promotional purposes in, or
7 imported into, the state.

8 (b) On or before July 1, ~~2024~~, 2025, and on or before July 1 of
9 each year thereafter, a manufacturer of PFAS or a product or
10 product component containing ~~regulated~~ *intentionally added* PFAS
11 that is sold, offered for sale, distributed, or offered for promotional
12 purposes in, or imported into, the state shall register the PFAS or
13 the product or product component containing ~~regulated~~
14 *intentionally added* PFAS on the publicly accessible reporting
15 platform created pursuant to subdivision (a), along with all of the
16 following information, as applicable:

17 (1) The name and type of product or product component
18 containing ~~regulated~~ *intentionally added* PFAS.

19 (2) The universal product code, or “UPC,” of the product or
20 product component containing ~~regulated~~ *intentionally added* PFAS.

21 (3) How the PFAS are, or the product or product component
22 containing ~~regulated~~ *intentionally added* PFAS is, used by
23 businesses or consumers.

24 (4) (A) The specific names of all PFAS compounds in the
25 product or product component containing ~~regulated~~ *intentionally*
26 *added* PFAS and the Chemical Abstracts Service Registry Number,
27 also known as a “CAS Registry Number” or “CAS RN,” of each
28 PFAS compound.

29 (B) If the CAS RN is not available, the amount or weight of
30 PFAS measured as total organic fluorine in the product or product
31 component containing ~~regulated~~ *intentionally added* PFAS per
32 individual analyte.

33 (5) The amount of the product or the product component or the
34 numbers of products or product components sold, delivered, or
35 imported into the state.

36 (6) The name and address of the manufacturer, and the name,
37 address, and phone number of a contact person for the
38 manufacturer.

39 SEC. 2. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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